

## 1 UNITED STATES DISTRICT COURT

## 2 DISTRICT OF NEVADA

3 THOMAS L. WILLIAMS,

Case No. 3:23-cv-00511-ART-CSD

4 Plaintiff

ORDER

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

9 **I. DISCUSSION**

10 On October 31, 2023, the Court issued an order directing Plaintiff to file one of the  
11 following by November 30, 2023: (1) a notice voluntarily dismissing this action to pursue  
12 his claims in a different case, (2) a notice stating he wishes to proceed on the 42 U.S.C.  
13 § 1983 complaint docketed in this case, or (3) a notice withdrawing the § 1983 complaint  
14 and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in this case. (ECF  
15 No. 4 at 2). The Court also directed Plaintiff to pay the appropriate filing fee for this action  
16 or submit a fully complete application to proceed *in forma pauperis* by November 30,  
17 2023. (*Id.* at 2-3).

18 Plaintiff did not file a notice and did not pay the filing fee or file an application to  
19 proceed *in forma pauperis*. Instead, Plaintiff filed a letter stating that he filed a writ of  
20 habeas corpus in this case and that he did file an application to proceed *in forma pauperis*.  
21 (ECF Nos. 5-1, 5-2). Plaintiff also states that he did not receive file-stamped copies of  
22 his documents. (ECF No. 5-2).

23 As an initial matter, the Court will resend Plaintiff a copy of the October 31, 2023,  
24 order explaining the deficiencies in Plaintiff's filings. Plaintiff will have until January 31,  
25 2024, to file one of the following: (1) a notice voluntarily dismissing this action to pursue  
26 his claims in a different case, (2) a notice stating he wishes to proceed on the 42 U.S.C.  
27 § 1983 complaint docketed in this case, or (3) a notice withdrawing the § 1983 complaint  
28 and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in this case. The

1 Court has not received any application to proceed *in forma pauperis* in this case. As  
2 such, on or before January 31, 2024, Plaintiff will either pay the full filing fee for either a  
3 civil rights action (\$402) or habeas action (\$5), or file a fully complete application to  
4 proceed *in forma pauperis* with all three required documents: a completed application  
5 with the inmate's two signatures on page 3, a completed financial certificate that is signed  
6 both by the inmate and the prison or jail official, and a copy of the inmate's trust fund  
7 account statement for the previous six-month period.

8 Additionally, pursuant to Nevada Local Rule 10-1, a "pro se party who wishes to  
9 receive a file-stamped copy of any pleading or other paper must submit one additional  
10 copy and, if by mail, a self-addressed, postage-paid envelope. A party who is granted  
11 leave to proceed *in forma pauperis* need not submit a self-addressed, postage-paid  
12 envelope."

## 13 **II. CONCLUSION**

14 It is therefore ordered that the Clerk of the Court will send Plaintiff courtesy copies  
15 of the October 31, 2023, order (ECF No. 4), complaint (ECF No. 1-1), a copy of the docket  
16 sheet, and the approved forms and instructions for filing a § 1983 complaint, a petition for  
17 writ of habeas corpus under § 2241, and an application to proceed *in forma pauperis* for  
18 inmates.

19 It is further ordered that **on or before January 31, 2024**, Plaintiff will file one of the  
20 following: (1) a notice voluntarily dismissing this action, (2) a notice stating he wishes to  
21 proceed on the § 1983 complaint docketed in this case, or (3) a notice withdrawing the §  
22 1983 complaint and filing a petition for writ of habeas corpus under 28 U.S.C. § 2241 in  
23 this case.

24 It is further ordered that **on or before January 31, 2024**, Plaintiff will either pay  
25 the full filing fee for either a civil rights action (\$402) or habeas action (\$5), or file a fully  
26 complete application to proceed *in forma pauperis* with all three required documents: a  
27 completed application with the inmate's two signatures on page 3, a completed financial  
28 certificate that is signed both by the inmate and the prison or jail official, and a copy of

1 the inmate's trust fund account statement for the previous six-month period.

2 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
3 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
4 refile the case with the Court, under a new case number, when he can file a signed  
5 complaint or petition and either pay the required filing fee or apply for *in forma pauperis*  
6 status.

7

8 DATED THIS 14th day of December 2023.

9 

10 UNITED STATES MAGISTRATE JUDGE

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28